

PANHANDLE EASTERN CORPORATION

DEPT. OF TRANSPORTATION
DOCKET SECTION
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OST-95-360-5

October 4, 1995

Docket Clerk
Docket No. OST-95-360
U.S. Department of Transportation
400 Seventh Street, S.W.
Washington, D.C. 20590

Comments on Direct Final Rulemaking Process
Docket No. OST-95-360; Notice 95-9

Please find attached comments from Panhandle Eastern Corporation pertaining to the above referenced docket.

We trust you will find these comments beneficial in the pursuit to expedite the rulemaking process for noncontroversial rules. If you have any questions or require any additional information, please advise.

Sincerely,



J.A. Drake, P.E.
Director of Codes and Safety Compliance

/clc

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Introduction

Panhandle Eastern Corporation (Panhandle) and its subsidiaries, Algonquin Gas Transmission, Panhandle Eastern Pipe Line Co., Texas Eastern Transmission Corp., and Trunkline Gas Co., operate a 21,200 mile interstate natural gas transmission system. The operation of this extensive pipeline system is subject to the requirements of Title 49 Code of Federal Regulation Parts 190, 191, 192, 193, and 199.

Panhandle supports the efforts of the Secretary of Transportation to expedite the rulemaking process for rules that are noncontroversial in nature. The proposed direct final rulemaking process will save time and expense provided the rules proposed under it are indeed noncontroversial. Panhandle supports the intent of the proposed rulemaking to facilitate the passage of noncontroversial rules, but poses two questions to the Secretary for consideration before finalizing the direct rulemaking process.

Requests for Clarification

The Notice of Proposed Rulemaking (NPRM) issued by DOT does not provide for suspending a direct final rule when someone requests a clarification. The NPRM only provides for receipt of "adverse" comments to stop the direct process. Panhandle requests that the Secretary consider whether a request for clarification of a rule proposed by this process will be considered an adverse comment and whether such a request for clarification will prevent automatic finalizing of the proposed rule.

Comment Time Period

The NPRM does not define a specific time period between the publication of the proposed rule and the effective date; thus the time period to provide comments is not defined. Panhandle requests that the Secretary consider defining a standard time period between

the date of publication and the effective date, such as 30 days, to allow sufficient time for preparation of comments.

Conclusion

Panhandle Eastern Corporation encourages the Department's efforts to streamline the rulemaking process for noncontroversial rules. Panhandle appreciates the opportunity to provide these comments in the interest of developing a constructive rule regarding the direct final rulemaking process.